

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

COLUMBIA PICTURES INDUSTRIES, INC., a)
Delaware corporation; and TWENTIETH)
CENTURY FOX FILM CORPORATION, a)
Delaware corporation,)

Plaintiffs,)

vs.)

BETSY LAVALLE, an individual,)

Defendant.)

No.:

FILED: AUGUST 6, 2008
08CV4424
JUDGE DARRAH
MAGISTRATE JUDGE SCHENKIER

JFB

COMPLAINT FOR COPYRIGHT INFRINGEMENT

COLUMBIA PICTURES INDUSTRIES, INC. AND TWENTIETH CENTURY FOX FILM CORPORATION complain against BETSY LAVALLE ("Defendant") as follows:

JURISDICTION AND VENUE

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 *et seq.*).
2. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).
3. This Court has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1391(b) and/or 28 U.S.C. § 1400(a), because Defendant resides in this District and the acts of infringement complained of herein originated in this District.

PARTIES

4. Plaintiffs Columbia Pictures Industries, Inc. and Twentieth Century Fox Film Corporation (collectively, the "Plaintiffs") are among the world's leading creators and

distributors of motion pictures. Plaintiffs bring this action to stop Defendant from copying and distributing to others over the Internet unauthorized copies of the Plaintiffs' copyrighted motion pictures. Defendant's infringements allow Defendant and others to unlawfully obtain and distribute for free unauthorized copyrighted works that the Plaintiffs spend millions of dollars to create and/or distribute. Each time Defendant unlawfully distributes a free copy of one of the Plaintiffs' copyrighted motion pictures to others over the Internet, each person who copies that motion picture can then distribute that unlawful copy to others without any significant degradation in sound and picture quality. Thus, Defendant's distribution of even one unlawful copy of a motion picture can result in the nearly instantaneous worldwide distribution of that single copy to a limitless number of people. The Plaintiffs now seek redress for this rampant infringement of their exclusive rights.

5. Plaintiff Columbia Pictures Industries, Inc. is a Delaware corporation, with its principal place of business at 10202 West Washington Boulevard, Culver City, California. Columbia Pictures Industries, Inc. ("Columbia") is engaged in the production, acquisition and distribution of motion pictures for theatrical exhibition, home entertainment and other forms of distribution. Columbia is the owner of the copyrights and/or the pertinent exclusive rights under copyright in the United States in motion pictures, including those identified in Exhibit A, which have been unlawfully distributed over the Internet by the Defendant.

6. Plaintiff Twentieth Century Fox Film Corporation is a Delaware corporation, with its principal place of business at 10201 West Pico Boulevard, Los Angeles, California. Twentieth Century Fox Film Corporation ("Fox") is engaged in the production, acquisition and distribution of motion pictures for theatrical exhibition, home entertainment and other forms of distribution. Fox is the owner of the copyrights and/or the pertinent exclusive rights under

copyright in the United States in motion pictures, including those identified in Exhibit A, which have been unlawfully distributed over the Internet by the Defendant.

7. Upon information and belief, Defendant, an individual, resides in this District.

COUNT I

INFRINGEMENT OF COPYRIGHTS

8. The Plaintiffs are responsible for the creation, development, production and distribution of numerous commercially released motion pictures.

9. At all relevant times the Plaintiffs have been the holders of the pertinent exclusive rights infringed by Defendant, as alleged hereunder, for certain copyrighted motion pictures, including, but not limited to, *Fun with Dick and Jane* and *Cheaper By The Dozen* (collectively, the "Copyrighted Motion Pictures"). Each of the Copyrighted Motion Pictures is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights. True and correct copies of these Certificates of Copyright Registration are attached hereto as Exhibit A.

10. Each of the Copyrighted Motion Pictures contains a copyright notice advising the viewer that the motion picture is protected by the copyright laws.

11. The Plaintiffs are informed and believe that Defendant, without the permission or consent of the Plaintiffs, has used, and continues to use, KaZaA, an online media distribution system to distribute to the public, including by making available for distribution to others, on or about March 7, 2006, the Copyrighted Motion Pictures. In doing so, Defendant has violated the Plaintiffs' exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of the Plaintiffs' exclusive rights protected under the Copyright Act of 1976 (17 U.S.C. § 101 *et seq.*).

12. The foregoing acts of infringement have been willful, intentional, and in disregard of and with indifference to the rights of the Plaintiffs.

13. As a result of Defendant's infringement of the Plaintiffs' exclusive rights under copyright, the Plaintiffs are entitled to relief pursuant to 17 U.S.C. § 504, and to their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

14. Defendant's conduct is causing, and unless enjoined and restrained by this Court will continue to cause, the Plaintiffs great and irreparable injury that cannot fully be compensated or measured in money. The Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, the Plaintiffs are entitled to injunctive relief prohibiting Defendant from further infringing the Plaintiffs' copyrights and ordering that Defendant destroy all copies of the Copyrighted Motion Pictures made in violation of the Plaintiffs' copyrights.

WHEREFORE, the Plaintiffs pray for judgment against Defendant as follows:

1. For entry of preliminary and permanent injunctions providing Defendant shall be enjoined from directly or indirectly infringing the Plaintiffs' rights in the Copyrighted Motion Pictures and any motion picture, whether now in existence or later created, that is owned or controlled by the Plaintiffs ("the Plaintiffs' Motion Pictures"), including without limitation by using the Internet to reproduce or copy any of the Plaintiffs' Motion Pictures, to distribute any of the Plaintiffs' Motion Pictures, or to make any of the Plaintiffs' Motion Pictures available for distribution to the public, except pursuant to a lawful license or with the express authority of the Plaintiffs. Defendant also shall destroy all copies of the Plaintiffs' Motion Pictures that Defendant has downloaded onto any computer hard drive or server without the Plaintiffs' authorization and shall destroy all copies of those

downloaded motion pictures transferred onto any physical medium or device in Defendant's possession, custody, or control.

2. For actual damages or statutory damages pursuant to 17 U.S.C. § 504, at the election of the Plaintiffs.
3. For the Plaintiffs' costs.
4. For the Plaintiffs' reasonable attorneys' fees.
5. For such other and further relief as the Court deems proper.

COLUMBIA PICTURES INDUSTRIES,
INC.; and TWENTIETH CENTURY FOX
FILM CORPORATION

DATED: August 6, 2008

By: /s/ Sharon A. Ceresnie
Douglas N. Masters
Sharon A. Ceresnie
LOEB & LOEB LLP
321 North Clark Street
Chicago, IL 60654
Phone: (312) 464-3100
Fax: (312) 464-3111
dmasters@loeb.com
sceresnie@loeb.com

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America



Form PA

For a Work of Performing Arts
UNITED STATES COPYRIGHT OFFICE

REG

PA 1-257-459



EFFECTIVE DATE OF REGISTRATION

Dec 21 2005

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK ▼

FUN WITH DICK AND JANE

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF THIS WORK ▼ See Instructions

Motion Picture

2

NAME OF AUTHOR ▼

a Columbia Pictures Industries, Inc.

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☒ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR {

Citizen of

Domiciled in

U.S.A.

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼
Entire work (see Space 6)

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

b

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR {

Citizen of

Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

c

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR {

Citizen of

Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2005

This information must be given Year in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month

December

Day

21

Year

2005

United States of America

Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Columbia Pictures Industries, Inc.

10202 W. Washington Blvd.

Culver City, CA 90232-3195

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED

DEC 21 2005

ONE DEPOSIT RECEIVED

(5) 35 mm / L

TWO DEPOSITS RECEIVED

DEC 21 2005

FUNDS RECEIVED

MORE ON BACK ► • Complete all applicable spaces (numbers 5-8) on the reverse side of this page.

DO NOT WRITE HERE

EXAMINED BY	<i>AMF</i>	FORM PA
CHECKED BY	<i>RR</i>	
<input type="checkbox"/> CORRESPONDENCE		FOR COPYRIGHT OFFICE USE ONLY
Yes		

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?
☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ☐ If your answer is No, do not check box A, B, or C.
 a. ☐ This is the first published edition of a work previously registered in unpublished form.
 b. ☐ This is the first application submitted by this author as copyright claimant.
 c. ☐ This is a changed version of the work, as shown by space 6 on this application.
 If your answer is "Yes," give: Previous Registration Number ☐ Year of Registration ☐

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.
 Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ☐

1976 Feature entitled FUN WITH DICK AND JANE. Previously published musical compositions and sound recordings of compositions; previously published film clips, artwork, photography and posters. "Dick and Jane" characters and illustrations licensed from Pearson Education.

a 6

See instructions before completing this space.

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ☐

Entire motion picture except as described in Space 6a.

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
 Name ☐ Account Number ☐

061794

THOMSON COMPASS

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIP ☐

See Space 9

b

Area code and daytime telephone number (310) 244-7553
 Email gayle_mcdonald@spe.sony.com

Fax number (310) 244-2366

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one ☐

☐ author

☐ other copyright claimant

☐ owner of exclusive right(s)

☒ authorized agent of Columbia Pictures Industries, Inc.

(Name of author or other copyright claimant, or owner of exclusive right(s) ☐)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

8

Typed or printed name and date ☐ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Gayle McDonald

Date December 21, 2005

Handwritten Signature (S) ☐

Gayle McDonald

Certificate will be mailed in window envelope to this address:

Name ☐ Gayle McDonald
 Columbia Pictures Industries, Inc.
 Number/Street/Apt. ☐ 10202 W. Washington Blvd.
 City/State/ZIP ☐ Culver City, CA 90232-3195

• Complete all necessary spaces
 • Sign your application in space 9

1. Application form
 2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
 3. Deposit material
 Library of Congress
 Copyright Office
 101 Independence Avenue, S.E.
 Washington, D.C. 20540-8000

For an exhibit to check, for a card fee, check the appropriate box. If you are not sure, check the "Other" box. If you are not sure, check the "Other" box. If you are not sure, check the "Other" box.

9

*17 U.S.C. § 506(c): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
REGISTER OF COPYRIGHTS
United States of America

FORM PA
For a Work of the Performing Arts
UNITED STATES COPYRIGHT OFFICE
PA 1-188-380

EFFECTIVE DATE OF REGISTRATION

Dec 2 2003
Month Day Year

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

1
TITLE OF THIS WORK
CHEAPER BY THE DOZEN

PREVIOUS OR ALTERNATIVE TITLES

NATURE OF THIS WORK

FEATURE MOTION PICTURE (007622)

2 a NAME OF AUTHOR Twentieth Century Fox Film Corporation		DATES OF BIRTH AND DEATH Year Born Year Died	
Was this contribution to the work a work made for hire? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		AUTHOR'S NATIONALITY OR DOMICILE OR Citizen of <u>UNITED STATES</u> OR Domiciled in <u>UNITED STATES</u>	
NATURE OF AUTHORSHIP Entire Work		WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Pseudonym? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
NAME OF AUTHOR b		DATES OF BIRTH AND DEATH Year Born Year Died	
Was this contribution to the work a work made for hire? <input type="checkbox"/> Yes <input type="checkbox"/> No		AUTHOR'S NATIONALITY OR DOMICILE OR Citizen of <u>UNITED STATES</u> OR Domiciled in <u>UNITED STATES</u>	
NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed		WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Pseudonym? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
NAME OF AUTHOR c		DATES OF BIRTH AND DEATH Year Born Year Died	
Was this contribution to the work a work made for hire? <input type="checkbox"/> Yes <input type="checkbox"/> No		AUTHOR'S NATIONALITY OR DOMICILE OR Citizen of <u>UNITED STATES</u> OR Domiciled in <u>UNITED STATES</u>	
NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed		WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK Anonymous? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Pseudonym? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED 2003		b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK Month <u>11</u> Day <u>21</u> Year <u>2003</u> ONLY if this work has been published UNITED STATES	
COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the author as the author given in space 2 Twentieth Century Fox Film Corporation P.O. Box 900 Beverly Hills, CA 90213			
TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2 give a brief statement of how the claimant(s) obtained ownership of the copyright			
APPLICATION RECEIVED ONE COPY RECEIVED TWO COPIES RECEIVED FUND RECEIVED		APPLICATION RECEIVED ONE COPY RECEIVED TWO COPIES RECEIVED FUND RECEIVED	

MORE ON BACK Complete all applicable spaces (numbers 5-4) on the reverse side of this page
 See detailed instructions Sign the form at line 5

DO NOT WRITE HERE
 Page 1 of 2 pages

EXAMINED BY	CS	FORM PA
CHECKED BY	AS	
<input type="checkbox"/> CORRESPONDENCE		FOR COPYRIGHT OFFICE USE ONLY
<input type="checkbox"/> Yes		

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work or for an earlier version of this work already been made in the Copyright Office?
☒ Yes ☐ No If your answer is Yes why is another registration being sought? (Check appropriate box) If your answer is no go to space 7

☐ This is the first published edition of a work previously registered in unpublished form

☐ This is the first application submitted by this author as copyright claimant

☒ This is a changed version of the work as shown by space 6 on this application

If your answer is Yes give Previous Registration Number

See below

Year of Registration

2003

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work complete only 6a for a compilation

a Preexisting Material Identify any preexisting work or works that this work is based on or incorporates

Feature screenplay entitled CHEAPER BY THE DOZEN (registration pending), based on the motion picture entitled CHEAPER BY THE DOZEN (R 659 130, LP 71), the novel entitled CHEAPER BY THE DOZEN (R 622-066, A 29 075), music

b Material Added to This Work Give a brief general statement of the material that has been added to this work and in which copyright is claimed

All other cinematographic material

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office give name and number of Account

Name

Twentieth Century Fox Film Corporation

Account Number

DAD11185

CORRESPONDENCE Give name and address to which correspondence about this application should be sent Name/Address/Apt/City/State/ZIP

Mary McGuire 2121/731

Fox Group Legal P O Box 900

Beverly Hills CA 90213

Area code and daytime telephone number (310) 369 5158

E-mail CR@Fox.com

Fax number (310) 369 2382

CERTIFICATION I the undersigned hereby certify that I am the

Check only one

☐ author

☐ other copyright claimant

☐ owner of exclusive rights

☒ authorized agent of Twentieth Century Fox Film Corporation

Name of author or other copyright claimant or owner of exclusive rights

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

Typed or printed name and date If this application gives a date of publication in space 5 do not sign and submit it before that date

Mary McGuire

date 25 Nov 2003

Handwritten signature (s) Mary McGuire

Certs/Seals will be mailed in separate envelope to this address

Name Fox Group Legal
 Attn Mary McGuire (Bldg 2121 Room 731)
 Number/Street P O Box 900
 City/State/ZIP Beverly Hills CA 90213

Complete all necessary spaces
 1 Application form
 2 Non-refundable filing fee in cash or money order payable to Register of Copyrights
 3 Deposit material
 4 Copyright Office
 101 Independence Avenue, S.E.
 Washington, D.C. 20540-6004

17 U.S.C. § 205(c) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409 of the Copyright Act of 1909 or in any written statement filed in connection with the application shall be fined not more than \$2,500.

This statute is Nov 2003